

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re:     Angela Dudley

Debtors.

) Case Number: 17-16967  
) Chapter 13 Proceedings  
) Judge Jessica E. Price Smith

**TRUSTEE’S OBJECTION TO DEBTOR COUNSEL’S INITIAL APPLICATION FOR  
COMPENSATION PURSUANT TO BANKR. R. 2016 AND  
ADMINISTRATIVE ORDER 07-02**

Now comes LAUREN A. HELBLING, the duly appointed and qualified Standing Chapter 13 Trustee (“Trustee”) herein, and hereby objects to Debtor Counsel’s Initial Application for Compensation Pursuant to Bankr. R. 2016 and Administrative Order 07-02 (the “Application”). In support of this objection, the Trustee makes the following representations to the Court:

1.       The Debtor (“Debtor”) filed a petition under Chapter 13 of Title 11, U.S.C. on November 27, 2017. Contemporaneously with the petition, the Disclosure of Compensation of Attorney for Debtor (the “Disclosure”) and the Rights and Responsibilities of Chapter 13 Debtors and their Attorneys (the “Rights and Responsibilities”) were filed indicating the initial fee charged the Debtor was \$1,150.00 of which \$1,150.00 was paid. The confirmation hearing for this case has been adjourned to March 29, 2018.

2.       On February 28, 2018, Attorney Whitney E. Kaster (“Attorney Kaster”) filed the Application requesting fees in the amount of \$4,120.00 of which \$1,500.00 (\$1,150.00 pre-petition attorney fees, \$310.00 court costs and \$40.00 for credit report) was paid prior to filing. The Application requests a balance of \$3,020.00 be paid through the Chapter 13 Plan.

3.       Review of Attorney Kaster’s Fee Agreement with Debtor indicates that the \$1,150.00 attorney fee paid by Debtor covers preparation of the Chapter 13 petition, schedules, plan, papers and reports initially required by the court, attending the first meeting of creditors and one confirmation hearing. It does not cover modifying the Chapter 13 plan. Review of Attorney

Kaster's fee application indicates that other than the services performed on December 1, 2017 for modifying the plan and amending the schedules, all services for which Attorney Kaster seeks fees are those for which, pursuant to her Fee Agreement, are covered by the \$1,150.00 already paid by the Debtor to Attorney Kaster prepetition. The services performed on December 1, 2017 total \$122.50.

4. Trustee submits that since the Disclosure, the Rights and Responsibilities, and the Fee Agreement indicate Attorney Kaster agreed to a fee in the amount of \$1,150.00 for essentially all of the services contained in the Application, and said fee was paid prior to the filing, said Application could only be allowed in the amount of \$122.50 and the balance of the Application should be denied. However, the Application also fails to reflect the Debtor's consent to the Application for fees in excess of the amount in the Rights and Responsibilities, and therefore the Trustee submits that the Application must be denied in its entirety.

5. It appears that the higher fee amount should have been contemplated during the initial interview with the Debtor and a more accurate initial fee agreed upon.

6. Trustee reserves the right to amend and/or supplement this objection should additional information be provided.

WHEREFORE your Trustee, being a proper party in interest, hereby moves this Honorable Court to sustain this objection and deny the Application for the aforementioned reasons cited.

/S/ Lauren A. Helbling

LAUREN A. HELBLING (#0038934)

Chapter 13 Trustee

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Cleveland OH 44114-2321

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## CERTIFICATE OF SERVICE

I certify that on March 6, 2018 a true and correct copy of this Trustee's Objection to Debtor Counsels' Initial Application for Compensation Pursuant to Bankr. R. 2016 and Administrative Order 07-02 was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Whitney Kaster, on behalf of Angela Dudley, Debtor at [wkaster@dannlaw.com](mailto:wkaster@dannlaw.com)

And by regular U.S. mail, postage prepaid, on:

Angela V. Dudley, Debtor, at 23818 Rushmore Drive, Cleveland, OH 44143

/S/ Lauren A. Helbling

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LAUREN A. HELBLING (#0038934)

Chapter 13 Trustee

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